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property is held, in *Bostock v. Sams* (Md.), 59 L. R. A. 282, not to cover an ordinance authorizing the refusal of permits for the erection of buildings unless they are to conform in size, character, and appearance to those previously erected in the same locality, and to be such as will not tend to depreciate the value of surrounding property.

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PLEADING—SUFFICIENCY OF ALLEGATIONS.—A general allegation of negligence, while good against a general demurrer, is held, in *King v. Oregon Short Line R. Co.* (Idaho), 59 L. R. A. 209, not to be good against a demurrer on the ground of uncertainty, under a statute requiring the plaintiff to make a statement of the facts constituting the cause of action, in ordinary and concise language.

The other authorities on the sufficiency of general allegations of negligence are collated in an exhaustive note to this case.

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RIGHTS OF NAVIGATION—OBSTRUCTION—ACT OF CONGRESS.—The right to obstruct a navigable stream by an upheaval of plastic clay, caused by the pressure of a railroad embankment near the river, is held, in *Northern P. R. Co. v. United States* (C. C. App. 8th C.), 59 L. R. A. 80, not to be granted by an act of Congress authorizing the construction of the railroad parallel to the river, where the existence of the clay was unknown to Congress, and the result was not foreseen by anyone.

With these cases is a note on the right to obstruct or destroy rights of navigation.

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INTERLOCUTORY ORDER—FAILURE TO ENTER—JUDGMENT—DEMURRER TO EVIDENCE—RAILROADS—ACCIDENT AT CROSSING.—An interlocutory order, omitted to be entered by neglect or inadvertence on the part of the clerk of a court, may be ordered by the court to be entered *nunc pro tunc*, by way of amendment, so as to make the record show what has actually transpired in the cause, upon clear and satisfactory evidence, consisting of uncontradicted affidavits, and papers filed, and orders entered in the cause.

A mere announcement by a judge in court of his opinion to sustain a demurrer to evidence, without an order or direction to the clerk to enter judgment accordingly, is not a sufficient rendition of judgment to warrant the entry of it as final judgment *nunc pro tunc*, when it further appears that absence of counsel was the reason for not ordering it to be entered at the time of the announcement.

By demurring to the evidence, the demurrant admits, in favor of the demurree, all inferences of fact that may be fairly deduced from the evidence.

V., having knowledge of the negligent practice of a railroad company in making "flying switches" over a street crossing, came to the crossing on a starlit but moonless night, just as an engine was approaching, and, after waiting for it to pass, stepped upon the side track on which the cars following the engine were, and was struck and injured by a box car, so following, without a light or person on it, and without any signal having been given. V. and his father, who was with him, testify that, after the passage of the engine and before proceeding, they looked down the track for cars, and saw none. As to the extent